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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,395	12/06/2000	Gideon Lefebvre	81228.0011	7437
24633	7590	06/15/2004	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,395

Applicant(s)

LEFEBER ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/19/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAGNER (U.S. Patent 6,092,102).

As to claim 1, WAGNER teaches a location independent and platform independent method for a user receiving a signal (event message) regarding the occurrence of an event of interest comprising: before the occurrence of the event of interest, defining rules (preferences stored in the notifier database manager) regarding how the signal (event message) is transmitted to the user depending upon where the user is located (via time of day attribute) and what the user is doing when the event of interest occurs (via role of the user attribute) (col. 11, line 31 – col. 12, line 36); filtering information from an information source to identify the occurrence of the external event (via notifier / event monitoring means); after the occurrence of the event of interest; sending a signal (event message) to the user according to the rules (stored in the database manager); and interpreting the signal to enable the user to respond to the occurrence of the event in substantially real-time (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61). It would be obvious to one skilled in the art at

the time of the invention that in a clinical environment as disclosed in WAGNER, physicians and other clinical personal are at the workstations, i.e. work environment during certain times of the day and may have multiple roles in that time and therefore it would be obvious based on the teachings of WAGNER that when an event occurs at a certain time it is sent to an individual in a particular role based on the preferences stored in the database.

As to claims 2, 3, and 19, WAGNER teaches the signal is sent over various electronic communication mediums (communication channels) and using various signaling mechanisms (message types) as stipulated by the rules wherein the rules comprise priority rules dictating circumstances (rules having desired preferences) regarding how to send the signal depending upon where the user is located (via time of day attribute) and what the user is doing (via role of user attribute) and dictates a particular electronic device (pager / system) that the user prefers to receive signals and alerts (event messages) under those circumstances, and wherein the sending of the signal (event message) is performed only after determining an appropriate priority rule from a ranked series of priority rules (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claim 4, WAGNER teaches the user receives the signal with an electronic device (PDA / pager / telephone / mobile computing device / workstation) and wherein

the electronic device interprets the signal and is selected from the group consisting of a personal computer, a network terminal, a web-enabled cellular phone, and a personal digital assistant (col. 7, line 53 – col. 8, line 34).

As to claims 10-14 and 22, WAGNER teaches performing after the signal is interpreted at least one action (display message / play audible / connect to Internet / read mail message) in response to the occurrence of the event wherein the signal (event message) is received using the electronic device (user device), and at least one of the actions is performed by the user utilizing a second electronic device wherein the action consist of automatically connect to the Internet (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claim 15-17, WAGNER teaches the electronic device (user device) sends a confirmation signal (acknowledge) over the communication medium to represent that the signal has been received and interpreted wherein the communication medium is a wireless communication network (col. 5, line 64 – col. 6, line 3; col. 11, lines 63-67).

As to claims 18, 20 and 21, WAGNER teaches the communication medium comprise a telephony infrastructure, the device is a mobile telephone, and wherein the notification signal is a telephone call or wake up signal (col. 3, lines 30 – col. 5, line 2;

Art Unit: 2126

col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claim 23, WAGNER teaches the device does not have special notification software installed therein (col. 11, line 67 – col. 12, line 3).

As to claims 5-9, WAGNER teaches after the user is alerted by the signal (event message / alert), performing at least one action in response to the occurrence of the event and simultaneously generating a customized response path (acknowledge) for the user to simplify the performing of the at least one action in response to the occurrence of the event (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claim 24, WAGNER teaches the user receives the signal with a first electronic device (pager / workstation / telephone device / PDA) and the sending of the signal is triggered by a second device (notification system) (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claim 25, WAGNER teaches a system for sending signals (events) in substantially real-time after occurrences of events of interest comprising a network (col. 5, line 64 – col. 6, line 3) of one or more electronic communication devices (workstation

Art Unit: 2126

/ user devices / pagers) connected over one or more communication mediums (communication channels) the network comprising: an information source filter (notifier / event monitoring means), the filter adapted to determine the occurrence of the events of interest a data store (notifier database manager) for recording a series of rules that define how to send signals (events) regarding the occurrence of the event of interest when the event occurs; and a communication medium (communication channel) through which a signal indicating the occurrence of the event of interest can be sent to the electronic communication device after the occurrence; and each of the electronic communication devices comprising: a receiver (device to play audible / visible event) adapted to receive the signal over the communication mediums (communication channel); and wherein the electronic communication devices are adapted to interpret the received signal so as to initiate one or more appropriate actions (display / play audible) in response to the occurrence of the event of interest (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claims 26 and 29, WAGNER teaches a server (communications channel manager) being adapted to select and use an appropriate signaling mechanism (event message) and communication medium (communication channel) and being adapted to send the signal to the communication devices (user devices) depending upon the series of rules wherein the filter (manager program) is located remotely from the server (communications channel manager) (see fig. 3) and in communication with the server

Art Unit: 2126

(communication channel manager) such that the filter (manager program) transmits a trigger (event) to the server substantially in real time whenever one of the events of interest occur (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

As to claims 27 and 28, WAGNER teaches the user devices receiving and interpret signals from the network (play audible messages or print and display messages) (col. 6, lines 1-3) and that the devices comprise mobile telephones (pagers) (col. 7, lines 53 – col. 8, line 7; col. 6, lines 61-67). It would be obvious to one skilled in the art at the time of the invention that since the user devices, i.e. pagers, can display the message or display the message that it is has software for receiving and interpreting the message.

As to claims 30, WAGNER teaches the data store contains rules to identify events of interest for a plurality of users (col. 11, lines 31-58). It would be obvious to one skilled in the art that the data store is a relational database since relational database are well known in the art.

As to claim 31, WAGNER teaches an electronic communication device (pager / user device) for receiving signals (event messages) from a network regarding an occurrence of an event of interest, the device comprising: instructions for receiving

Art Unit: 2126

signals from the network and interpreting the signals to perform an action, the action being selected from the group consisting of playing an audible alert, displaying a visible alert (display message / play audible message) wherein the action facilitates the task of responding to the event (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61). It would be obvious to one skilled in the art at the time of the invention that since the user devices, i.e. pagers, can display the message or display the message that it is has software for receiving and interpreting the message.

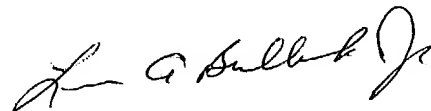
As to claims 32-38, WAGNER teaches the user device is adapted to receive signals comprising phone calls and the device is a web enabled mobile telephone comprising means for accessing the Internet automatically and the signals is interpreted using a local database (col. 3, lines 30 – col. 5, line 2; col. 5, line 61 – col. 6, line 65; col. 7, line 62- col. 9, line 52; col. 11, lines 31-58; col. 12, lines 17-23; col. 14, line 47 – col. 15, line 61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/14/04